

REMARKS**Status of the Claims**

Upon entry of the amendment above, claims 1-20 will be pending, claim 1 being independent.

Summary of the Office Action

As indicated on the cover page, the Examiner has acknowledged the priority claim and receipt of the certified copy of the priority application. In addition, as evidenced by the examiner-initialled PTO-1449 form, the Examiner has acknowledged his consideration of our previously filed information disclosure statement.

The cover sheet (form PTOL-326) of the Office action indicates that drawings of the application, as originally filed, have been accepted.

Claims 1, 2, 5-8, 11, and 14 are rejected as being anticipated by British Patent Publication No. 974,426 (hereafter "BOLTON").

Claims 10 and 14 are rejected as being either "anticipated" by BOLTON (*i.e.*, under 35 USC §102(b)) or "obvious" over BOLTON (*i.e.*, under 35 USC §103(a)).

Claims 3, 4, 9, 12, and 13 are rejected under 35 USC §103(a) as being unpatentable over BOLTON in view of U.S. Patent No. 5,898,934 (hereafter "HUNTER").

Response to the Office Action**A. Summary of Amendment**

In the amendment above, Applicants have made cosmetic changes to the claims. Claim 1 has been reformatted to have subparagraphs. In addition, subject matter taken from claim 5 has been incorporated into parent claim 1.

In addition, new dependent claims 15-20 have been added.

B. Withdrawal of Rejections Under 35 USC §102(b) and §103(a) Based Upon BOLTON

Reconsideration and withdrawal of the rejections based upon BOLTON is requested.

BOLTON relates to enhancing the mobility of the wearer of a "pressure" suit, made of an inflatable and flexible material. However, BOLTON makes no provision for certain zones having inner and outer layers, in the manner of Applicants' invention.

Instead, BOLTON's garment is made of a plurality of panels that are constructed in a way that bending is made more easy. Fig. 1 of BOLTON shows the panels of a leg portion of the garment, separated, Figs. 2(a), 2(b) showing the leg portion with the panels assembled together. In fact, in the right column on the first page of BOLTON it is explained that "These portions are sewn together to form the tube shown in Figure 2a in which the seams are in broken lines."

To enhance mobility, for example, BOLTON has the apex A of the triangular/wedge-shaped knee piece 13 located at the bending axis of the knee. However, I do not believe that there are separate inner and outer layers.

Applicants acknowledge the accuracy of the statements of the Examiner in the rejection, except for the final paragraph (on page 3 of the Office action). There, it is remarked that panel 13 of BOLTON corresponds to the "outer layer" of Applicants' claims. Applicants submit that the remark is incorrect.

In addition, Applicants submit that the additional comment that the "underlying layer" of Applicants' claims corresponds to "the material to be joined to the panel 13" of BOLTON is incorrect. Applicants do not understand the comment. Perhaps the comment is directed merely to an observation (see Fig. 2(b)) that the panel 13 at the knee, although sewn to panels 12 and 13, *overlaps* the edges of panels 12 and 13, rather than *vice versa*.

In spite of that, however, BOLTON fails to teach or suggest outer and underlying layers as specified in Applicants' claims.

The passage of BOLTON in column 2, lines 59-63, is absolutely clear: the edges of, having the same length as edges 11a and 12a, are to be joined directly to these edges. There is no overlapping whatsoever.

In Fig. 2e of BOLTON it can be seen that the construction proposed by BOLTON results in bulges and wrinkles that are directly in contact with the user.

Therefore, the disclosure of BOLTON is not relevant.

Moreover, it is specified in Applicants' claim 1 that at least the underlying layer is made of an elastic material. Following the reasoning of the rejection, if the suit of BOLTON were to be made of an elastic material, it would be at least the panels 11 and 12 which would be elastic. This suit being intended to be used as a *pressure* suit, it would then transform into a balloon under the pressure difference.

In fact, it is precisely because of the lack of elasticity of the material of the suit of BOLTON that the suite excess material (13) is needed for enabling movement.

At least for the reasons given above, reconsideration and withdrawal of the rejections based upon BOLTON requested.

B. Withdrawal of Rejection Under 35 USC §103(a) Based Upon BOLTON and HUNTER

Reconsideration and withdrawal of the rejection based upon a combination of BOLTON and HUNTER is requested.

This rejection additionally relies upon HUNTER for its disclosure of neoprene or Lycra being used for the garment (a wetsuit) and for its disclosure of a "yoke" 26. The rejection

includes the simple conclusion that it would have been obvious for BOLTON to have utilized neoprene or Lycra to provide his garment with expansion capability, because panel 26 of HUNTER can expand.

Regardless of the aforementioned teaching of HUNTER, the rejection does not address the fact that the claims include at least two layers, with the underlying layer being expandable (such as by being made of Lycra, for example).

Although Applicants note that, when the zipper of the garment of HUNTER is closed, it exhibits two superimposed layers of material adjacent the back of the wearer. However, the objective of HUNTER in this regard is to prevent water ingress in the region of the opening of the wetsuit, whereas an objective of Applicants' claimed invention is to prevent the outer layer from hurting the skin around the areas of the joint(s) of the wearer, as explained in paragraph 0007 of the specification of the instant application.

At least for the reasons given above, reconsideration and withdrawal of the rejection based upon the combination of BOLTON and HUNTER is requested.

C. New Claims 15-20

New claim 15 specifies that both the outer layer and the underlying layer extend throughout the protective zone(s) of the garment, as shown, for example, in Figs. 1-5.

New claim 16 depends from claim 15 and further specifies that the outer layer is movable relative to the underlying layer throughout the protective zone.

New claims 17 and 18 are similar to claims 15 and 16, respectively, except that they refer to "each of said at least one protective zone."

New claim 19 relates to the subject matter of claim 10 but refers to heat seals rather than heat sealing.

New claim 20 relates to the subject matter of claim 14 but refers to the outer layer comprising functional folds that lie above the underlying layer of the garment; claim 20 additionally specifies that the underlying layer is adapted to lie flat against the skin of the wearer.

SUMMARY AND CONCLUSION

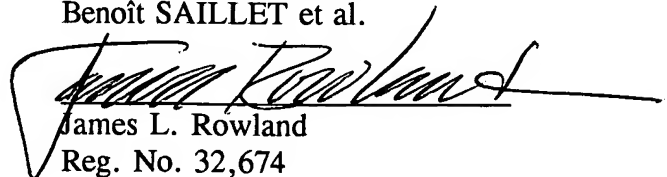
The grounds of rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

A check is enclosed for payment of a claim fee. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete, Applicants request an extension of time under 37 CFR §1.136(a) in the necessary increment(s) of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
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